

REMARKS

Summary of Office Action

Claims 1-6, 8, 10-33, 35, 37, 39-58, 60, 61, 63, and 65-68 are pending.

Claims 1-6, 8, 10-32, 35, 37, and 40-43 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 69, 73, and 74 of copending Application No. 10/273,898.

Claims 33 and 39 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' Reply to the Examiner's listing of Pending Claims

The Examiner stated that claims 1-6, 8, 10-32, 35, 37, and 40-42 are pending in the application (Office Action Summary). However, claims 1-6, 8, 10-33, 35, 37, 39-58, 60, 61, 63, and 65-68 are pending in the application.

As stated in Paper No. 20, filed January 14, 2004, "the decision of the examiner to reject claims 1-6, 8, 10-33, 35, 37, 39-58, 60, 61, 63, and 65-68 under 35 U.S.C. § 103 is reversed" (BPAI Decision, page 7). Thus, claims 1-6, 8, 10-33, 35, 37, 39-58, 60, 61, 63, and 65-68 are pending in the application (See also BPAI Decision, page 1).

Applicants respectfully submit that claims 33, 39, 43-58, 60, 61, 63, and 65-68 are allowable because the BPAI reversed the Examiner's previous rejections for claims 33, 39, 43-58, 60, 61, and 63 and the Examiner did not reject claims 33, 39, 43-58, 60, 61, and 63 in the Office Action mailed March 31, 2004.

Applicants' Reply to the Examiner's
provisional obviousness-type double patenting rejection

The Examiner provisionally rejected claims 1-6, 8, 10-32, 35, 37, and 40-43 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 69, 73, and 74 of copending Application No. 10/273,898.

Applicants direct the Examiner's attention to copending Application No. 10/273,898, which is also being examined by the present Examiner. Applicants take the indication of allowable subject matter in all of the pending claims to mean that claims 69 and 71-79 of Application No. 10/273,898 would also have been allowable had they not been cancelled in the Reply dated March 29, 2004. Claims 69 and 71-79 of Application No. 10/273,898 were cancelled to expedite the allowance of claims 80-82 because claims 80-82 were deemed allowable in the Office Action dated February 19, 2004.

Applicants respectfully requests that the provisional double patenting rejection of claims 1-6, 8, 10-32, 35, 37, and 40-43 in view of claims 69, 73, and 75 of Application No. 10/273,898 be withdrawn because claims 39, 73, and 75 of Application No. 10/273,898 were cancelled in the Reply dated March 29, 2004 (and entered by the Examiner in the Office Action dated May 5, 2004).

Applicants' Reply to the Examiner's
Objection of claims 33 and 39

The Examiner objected to claims 33 and 39 as being dependent upon a rejected base claim, but stated claims 33 and 39 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, claim 1 is allowable.
Therefore, claims 33 and 39 are allowable because claims 33 and 39 depend from allowable claim 1.

For at least the reasons stated above, applicants respectfully request that the Examiner's objection of claims 33 and 39 be withdrawn.

Conclusion

Applicants have demonstrated the claimed subject matter, including claims 1-6, 8, 10-33, 35, 37, 39-58, 60, 61, 63, and 65-68, is in condition for allowance.

An early and favorable action is respectfully requested.

Respectfully submitted,



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